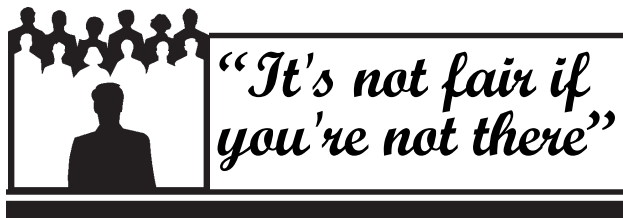


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# *Serving on a Jury . . .*



## *Handbook for Nebraska Jurors*

**Serving on a Jury . . .** is published and distributed by the Nebraska Supreme Court. If you have questions, please call your local courthouse.

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*Letter from  
Chief Justice  
John V. Hendry*

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Welcome to your state court system! Your service as a juror is one of the most valuable contributions you can make to your government and your neighbors.

The right to a trial by a jury of one's peers is guaranteed by our Constitution. A jury's decision of the facts in a case must be fair and impartial in order to protect an individual's rights and interests as well as the public interest.

Serving on a jury will give you an active role in your government, and you will obtain a better understanding of the Nebraska judicial system simply by observing the courts in action.

This handbook, developed with the assistance of judges, attorneys, and court officials, provides you with general information about the state's judicial system and what to expect in your role as a trial participant.

I trust your service will be a beneficial learning experience, and I am grateful for your contribution to the Nebraska judicial system.

*John V. Hendry*  
Chief Justice  
Nebraska Supreme Court

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While serving on a jury panel, you will be requested to assume certain responsibilities.

- Please be prompt. A trial cannot begin or continue until all jury members are present.
- Do not research the case in any way.
- Do not discuss the case with anyone, including your spouse, relatives, friends, trial participants, or fellow jurors. If anyone attempts to talk to you about the case, report the incident to the judge, bailiff, or court clerk as soon as possible. After deliberations begin in the jury room, jurors can discuss the case only among themselves.
- Do not conduct independent case investigations such as visiting the scene of an accident or an alleged crime unless the judge instructs and arranges for the entire jury panel to do so. An unauthorized inspection can result in an expensive retrial of the case.
- Listen carefully to all questions, testimony, and instructions. Your decision can be based only upon the evidence presented in the trial.

If you have any questions while serving on a jury, please address your communications to the judge, either directly or through the bailiff.





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## *Jury Selection*

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You were selected to serve on a jury from a combined county voter registration and driver's license list. An impartial, random method of selection from these lists is required by law.

To qualify as a juror you must:

- be a United States citizen
- be 19 years of age or older
- be physically and mentally capable

**You may be disqualified from serving on a jury for the following reasons:**

- If you have been convicted of a crime punishable by imprisonment in an adult correctional facility when the conviction has not been set aside or a pardon issued
- If you are a judge, clerk of a district court, a sheriff, or a jailer
- If your spouse has been summoned for the same jury panel
- If you or your spouse is a party to a lawsuit pending for trial to the jury panel for which you are summoned

You are not required to serve when called for jury duty if within the past 5 years you have served as a petit juror for more than 4 weeks, served on more than one grand jury, or served on both a grand jury and a petit jury.

Individuals who are 65 years or older can request not to serve, but they must do so at the time their juror form is returned.

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Jury service may be postponed by the judge if you can show undue hardship, extreme inconvenience, or public necessity. If your request for postponement is granted, it will be for a limited period.

Persons claiming either physical or mental disability as an excuse for jury service may be required to supply a physician's statement of disability.

You may be found in **contempt of court** if you fail to respond to a jury summons without good cause, if you fail to answer the qualifications form, or if you misrepresent anything on the form.

*If you intend to request to be excused from jury service for any reason, immediately notify the clerk of the court who has summoned you. Your request will be reviewed by a judge.*



## Questions and Answers

### How long will I serve on a jury?

Your service on a jury depends upon the court's need and the length of the trials in which you will be serving. Jury trials can vary from 1 day to several weeks.

### Will I be paid for jury service?

For each required day you will receive \$35 per day plus mileage.

### How will I get paid?

The clerk of the court will submit your name and address to the county clerk, who will issue your

check. If no mileage amount is submitted, the clerk's office will figure the distance based on their map. Checks are generally mailed out between 2 and 4 weeks after your jury service has ended.

**How should I dress for jury service?**

Wear comfortable clothing which reflects the seriousness of jury service.

**Will my employer allow me to take time off for jury service?**

State law prohibits your employer from penalizing you. You cannot be fired, lose pay (except that your employer may reduce your pay by the \$35 per day you receive for jury duty), lose sick leave, or lose vacation time.

*You must give your employer reasonable notice that you have received a jury summons. Any person summoned must be excused by their employer, upon the juror's request, from any shift work. For a brochure explaining jury service to your employer, call the clerk of the district court in your county or the Administrative Office of the Courts (402) 471-3730.*

**What should I do if I have an illness or an emergency during jury service?**

Should an illness or an emergency arise during your jury service, inform the judge, bailiff or court clerk immediately and explain the situation.

**Will I have to stay overnight?**

Usually you will not be required to stay longer than the normal afternoon or evening adjournment time. Occasionally, it becomes necessary to keep a jury overnight, which is called "sequestering the jury." Should this happen, you may telephone a relative or

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friend to bring personal necessities. The court will pay for your meals and lodging.

**Where do I park my car?**

Most courts have both on- and off-street parking. Call the clerk of your court and check parking in your area.

**What should I do when I report to the courthouse for jury service?**

Check with the clerk of the district court's office or follow the instructions on the jury summons.

**What is my job as a juror?**

Members of a jury are fact finders. Jurors are the sole judges of the credibility of the witnesses and must decide the value of the testimony of each witness. The jury must listen very carefully to all of the evidence and then decide the factual issues in the case.

**May I take notes of the testimony during the trial?**

No, except in special cases to be determined by the judge. You must listen very carefully to all of the evidence and rely upon your memory. You are expected to use your common sense, common knowledge, and experience as a mature person in arriving at a verdict. You may not rely on private sources of information concerning the case.

**What is the difference between a civil case and a criminal case?**

A civil case is a dispute between or among two or more persons or corporations in which the plaintiff asks the court to protect a right or to recover money or property from the defendant by the filing of a petition.



The **plaintiff** brings the case to the court. The **defendant** is the party being sued. When the defendant disputes the plaintiff's claim, he or she files an answer to the plaintiff's petition.

A criminal case is a trial brought in the name of the State of Nebraska against a person charged with violating the criminal law.

The State is represented by the **prosecuting attorney**. The person charged is called the defendant. Criminal cases are punishable by probation, fine, imprisonment, or death. The jury does not sentence the defendant. Sentences are imposed by the judge.



### **Who are the trial participants?**

A jury trial involves many people directly or indirectly. As a **juror**, you are an officer of the court who listens to all the evidence and arguments presented in a trial to reach a decision in the case.

The **judge** conducts the trial, rules on questions of law raised by the attorneys, and at the close of the trial, instructs the jury on the law that applies to the case.

The **attorneys** are employed by the parties or appointed by the court to advise the parties on the law and represent them at the trial.

The **prosecuting attorney** represents the State of Nebraska in all criminal cases.

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**Witnesses** present testimony under oath, indicating what they have seen or know about the facts in a case. A witness may testify as an expert based on professional experience.

The **clerk of the court** is responsible for court records, summonses, subpoenas, collection of fines, and other court business.

The **court reporter** transcribes a word-for-word record of all court testimony and proceedings.

The **bailiff** maintains courtroom order and assists the jurors.

#### **What is the order of trial events?**

A trial consists of a sequence of events in a specific order as determined by law.

**OPENING STATEMENTS:** Each attorney states his or her claim and may briefly state the evidence in support of the claim. The attorneys outline what they will show during the trial. Opening statements are not evidence. Opening statements are made to give you a general idea of what to expect when the evidence is introduced.

**EVIDENCE:** The plaintiff's attorney presents evidence first. This is called **direct examination**. The defendant has the right to examine this evidence. This is called **cross-examination**. Then the defendant's attorney has the opportunity to present evidence.

Following the defendant's introduction of evidence, the plaintiff has the right to cross-examine the witnesses presented by the defendant. The plaintiff has the right to present rebuttal evidence which can be cross-examined by the defendant's attorney.



CLOSING ARGUMENTS: After all the evidence has been presented, the plaintiff's and defendant's attorneys argue their case to the jury. The closing arguments are not evidence.

**What happens after the completion of testimony?**

The judge will instruct you about the law regarding the case. You must base your decisionmaking and discussion on the judge's instructions regarding the law, rather than on your own idea of what the law is or ought to be.

You and the other members of the jury will retire to the jury room for deliberations and select one person to be the **foreperson**. He or she will preside at your deliberations and bring your verdict into court.

- Your deliberations should be characterized by a free and fearless expression of your own opinions and patient, tolerant attention to the opinions of others.
- While you must base your decision upon the evidence presented in the case, you should also keep in mind what the judge may have said about weighing the evidence, how to decide what evidence to believe, and the burden of proof. You must keep in mind all of the court's instructions concerning the law.
- In many civil cases, you may have to determine whether there is any liability to pay damages and, if so, how much. It is suggested that you determine the issue of liability first, independently of the issue of the amount of damages. One reason for this is to avoid a compromise on the question of



liability in exchange for a compromise on the amount of damages. Such a compromise would not be just and would violate your duty as a juror.

In a **civil case**, if the jury cannot reach a unanimous verdict within 6 hours of deliberations, then a verdict arrived at by 10 of a 12-person jury or 5 of a 6-person jury may be returned.

In a **criminal case**, jury deliberations conclude when a unanimous verdict has been reached. If after lengthy deliberations the jury is unable to agree on a verdict, the foreperson must notify the judge. The jury has nothing to do with sentencing the defendant if the jury returns a guilty verdict.

#### **What happens after a verdict is reached by the jury?**

Generally, when the jury has agreed on a verdict, the foreperson returns to the courtroom, where the verdict is given to the judge and read and recorded by the clerk.

All jurors must be present when the verdict is returned. You must keep your verdict secret until it is brought into court.

#### **Do I have to tell anyone how or why I voted?**

After the trial is completed and you are dismissed by the judge, you are not obligated to answer questions presented by attorneys or the press. If unwarranted questions persist, contact the judge immediately.

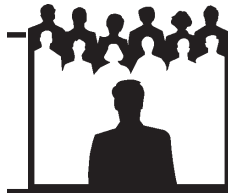




## *Jury Security*

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You should not allow fear of criticism or retaliation to prevent you from doing your duty and rendering a just verdict. The full power and authority of the court will be used to protect you both during and after the trial. If you have a particular reason to fear for your safety, promptly inform the bailiff or judge.



## *Serving on a Jury...*

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The administration of justice is not a process in which shortcuts should be taken simply to speed up the procedure. The determination of truth and the fair and equitable application of the laws are important.

By serving on a jury you have the privilege of providing direct input into the administration of justice. In addition, you will probably find your participation as an officer of the court to be both interesting and educational.

*For persons with disabilities, this brochure will be made available in other formats upon request. Call the Office of the State Court Administrator (402) 471-3730.*



NEBRASKA SUPREME COURT  
*Office of Public Information*

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